

HON. JAMAL N. WHITEHEAD

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

VALVE CORPORATION,

Plaintiff,

v.

LEIGH ROTHSCHILD, ROTHSCHILD
BROADCAST DISTRIBUTION SYSTEMS,
LLC, DISPLAY TECHNOLOGIES, LLC,
PATENT ASSET MANAGEMENT, LLC,
MEYLER LEGAL, PLLC, AND SAMUEL
MEYLER,

Defendants.

Case No. 2:23-cv-1016

**STIPULATION AND [PROPOSED]
ORDER REGARDING PLAINTIFF'S
SECOND AMENDED COMPLAINT**

Complaint Filed: 07/07/2023

Plaintiff Valve Corporation ("Valve") and Defendants Leigh Rothschild, Rothschild Broadcast Distribution Systems, LLC, Display Technologies, LLC, Patent Asset Management, LLC, Meyler Legal, PLLC, and Samuel Meyler (collectively "Defendants") jointly submit this Stipulation Regarding Valve's Second Amended Complaint:

WHEREAS, on July 7, 2023, Valve filed the complaint in the above captioned action ("Action"), against Defendants;

WHEREAS, on September 18, 2023, Defendants filed a motion to dismiss Valve's complaint (Dkt. 18);

WHEREAS, on October 6, 2023, Valve filed its First Amended Complaint and served it on Defendants via ECF (Dkt. 23) (the "FAC");

1 WHEREAS, Defendants on October 20, 2023, moved to dismiss the FAC pursuant to
2 Federal Rules of Civil Procedure 12(b)(1) and 12(b)(6) (Dkt. 27);

3 WHEREAS, Defendants' motion to dismiss the FAC was originally noted for
4 consideration on December 1, 2023, but by agreement of the parties was renoted for consideration
5 on December 8, 2023 (Dkt. 32);

6 WHEREAS, in the interest of judicial economy and efficiency, Valve seeks to amend the
7 FAC to dismiss Count V (Conspiracy to Commit Violations of Washington's Unfair Business
8 Practices and Bad Faith Assertions of Patent Infringement);

9 WHEREAS, pursuant to Federal Rule of Civil Procedure 15(a)(2), Valve may amend the
10 Amended Complaint "with the opposing party's written consent";

11 WHEREAS, Defendants have reviewed a copy of Valve's Second Amended Complaint
12 (the "SAC") and, without conceding the SAC has merit and while reserving all rights, consents to
13 its filing, provided that because the proposed SAC does not change the allegations and claims
14 asserted in the FAC, but merely dismisses one of the Counts, the parties' briefing already filed in
15 connection with Defendants' motion to dismiss the FAC will apply to the allegations and claims in
16 the SAC that remain unchanged from the FAC;

17 WHEREAS, the parties will complete all briefing regarding Defendants' motion to dismiss
18 Valve's complaint and the motion will be ripe for the Court's consideration on December 8, 2023,
19 the date of noting;

20 IT IS HEREBY STIPULATED AND AGREED, pursuant to Civil Local Rules 10(g) and
21 15, by and between the undersigned counsel for the undersigned parties, subject to Court approval,
22 as follows:

- 23 1. Valve shall file its SAC within one day of the Court's issuance of this Order;
- 24 2. The parties' briefing on Defendants' Motion to Dismiss (Dkt. 27 and any
25 subsequent briefing), shall apply to the allegations and claims in the SAC.

1 DATED: December 4, 2023

Respectfully submitted,

2
3 By: /s/ Kathleen R. Geyer

KILPATRICK TOWNSEND & STOCKTON
LLP

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9 Attorneys for Plaintiff

10 VALVE CORPORATION

11 DATED: December 4, 2023

Respectfully submitted,

12
13 By: /s/ Donald R. McPhail

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22 BROADCAST DISTRIBUTION SYSTEMS, LLC,

23 DISPLAY TECHNOLOGIES, LLC, PATENT

ASSET MANAGEMENT, LLC, MEYLER

LEGAL, PLLC, AND SAMUEL MEYLER

24
25 Dated this ____ day of December, 2023.

26
27 HON. JAMAL N. WHITEHEAD

28 UNITED STATES DISTRICT JUDGE